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Enzo Diagnostics, Inc.
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OFFICE OF PETITIONS

In re Application of :
Elazar Rabbani, et al. :
Application No. 08/978,634 :
Filed: November 25, 1997 :
Attorney Docket No. ENZ-53 (DIV-2) :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 12, 2002, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37CFR 1.113 in a timely manner to the final Office action mailed December 19, 2000, which set a shortened statutory period for reply of three (3) months. A three (3) months extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on June 20, 2001.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

37 CFR 1.137(c) requires a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted on the above-identified application or any patent granted on any continuing application that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the above-identified application. Since the application is not a utility or plant application filed before June 8, 1995, a terminal disclaimer is not required. Accordingly, the terminal disclaimer fee of \$55.00 will be refunded to petitioner's deposit account.

The amendment filed June 12, 2002 is being construed as the submission required under 37 CFR 1.114 for the RCE filed on June 19, 2001.

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Telephone inquiries concerning this decision should be directed to Cheryl Gibson-Baylor at (703)308-5111, or in her absence, Sherry Brinkley at (703)305-9220.

The application file is being forwarded to Technology Center 1600, Art Unit 1635 for processing the Request for Continued Examination under 37 CFR 1.114, previously filed on June 19, 2001.



Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



Sherry Brinkley
Petitions Examiner

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